

REMARKS

Claims 6 – 16 have been amended. No claims have been cancelled or added. Hence, claims 1 – 16 are pending in the Application.

SUMMARY OF REJECTIONS/OBJECTIONS

Claims 6 – 15 are rejected under 35 USC 101 for not being directed to patentable subject matter.

Claims 11 – 15 are rejected for non-statutory obviousness-type double patenting over U.S. Patent 6,826,753. The attached terminal disclaimer obviates this rejection.

Claims 1 – 3 and 6 – 8 are rejected under 35 USC 102(e) as being anticipated by Jakobsson. (U.S. Patent No. 5,848,408)

Claims 4, 5, 9, and 10 are rejected under 35 USC 103(a) as being unpatentable over Jakobsson, in view Gautam (U.S. Patent No. 5,956,704).

REJECTION OF CLAIMS 6 – 35 UNDER 35 USC 101

Claims 6 – 15 have been rejected under 35 USC 101 because the claims allegedly cover carrier waves, which are allegedly non-statutory subject matter. Claims 6 – 15 have been amended so that the claims no longer cover carrier waves.

Claims 6 – 10 are rejected because they allegedly claim both a product and the method, and thus allegedly cover more than one statutory class. Clearly, claims that depend on a claim of a different statutory class have been and are being accepted by the Office. The quintessential and widely recognized example of such claims is a product-by-process claim. Applicant is willing to amend the claim in the manner requested, but is

first requesting further clarification of the legal basis that the Examiner has used to require the amendment. The clarification should answer the question begged by the rejection, which is: Why are product-by-process claims, which depend on a claim of a different statutory class, accepted by the Office, but claims 6 – 10 are not accepted here because the claims depend on a claim of a different statutory class?

Rejection Under 102 – Claim 1

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The cited art fails to disclose at least one element of claim 1, and therefore fails to disclose all the limitations of claim 1.

- A. The cited art fails to teach "[D]etermining how many granules to divide said task into based on how many processes will be used to execute said task".

The Office Action has cited the following passage as teaching this feature.

To parallelize the execution of a star query, the work to be done on the fact table is dynamically partitioned by rowid range to create "work granules". The work granules are then assigned to a set of processes. These processes, referred to herein as parallel query slaves, execute their assigned work granules in parallel with the other parallel query slaves. Each parallel query slave evaluates the subqueries and performs the table access with respect to just a part of the fact table specified by the rowid range. (col. 10 lines 36 – 45)

Clearly, the passage teaches to divide (i.e. “partition”) a task by ranges of row-ids. However, the passage does not teach in any way that dividing a task into work granules is in any way based on the number of processes that will execute the task, much less teach that a determination of how many granules to divide a task into is based on a number of processes. No other passage in Jakobsson suggests in any way much less discloses dividing a task based on how many processes are executing the task, as claimed.

B. The cited art fails to teach a minimum or maximum number of work granules to assign to a process.

In claim 1, the step of determining the number of work granules is based on a threshold number of work granules, and in particular, a “first threshold [that] is a minimum number of work granules to assign to each process” and a “second threshold [that] is a maximum number of work granules to assign to each of the processes...” The notion of a minimum or maximum number of work granules to assign to a process is not disclosed or suggested in any way by the cited art.

The Office Action cites various passages as teaching the minimum and maximum threshold number of work granules to assign to a process. However, none of these passages teach about a threshold minimum or maximum number of work granules to assign a process. Among these passages are:

To parallelize the execution of a star query, the work to be done on the fact table is dynamically partitioned by rowid range to create "work granules". The work granules are then assigned to a set of processes. These processes, referred to herein as parallel query slaves, execute their assigned work granules in parallel with the other parallel query slaves. Each parallel query slave evaluates the subqueries and performs the table access with respect to just a part of the fact table specified by the rowid range.

The restriction to a certain rowid range on the operations performed in each slave can be "pushed down" into the retrieval of the bitmaps in the bitmap indexes so that sections of the bitmaps covering parts of the fact table outside the given rowid range are skipped. For example, if a slave process is assigned the work granule associated with the rowid range 1000 to 5000, then that slave process would only retrieve the portion of each bitmap that corresponds to rowid range 1000 to 5000. (col. 10, lines 36 – 45)

As mentioned before, the first paragraph in this passage teaches to divide a task by ranges of row-ids, i.e. to partition a task by ranges of row-ids. The second paragraph teaches that a slave process scans a bitmap index for a range of row-ids assigned to work granules. These teachings do not in any way teach a threshold minimum or maximum number of work granules to assign a process.

The other passages cited for teaching a threshold minimum or maximum number of work granules to assign a process also do not suggest in any way much less disclose a threshold minimum or maximum number of work granules to assign a process.

The Office Action highlights that these passages teach about subqueries that are generated based on join predicates and constraints on a dimension table that are contained in an original query. (Office Action, section 11) Presumably, the Office Action highlights this teaching to support the allegation that Jakobsson teaches about a minimum or maximum threshold number of work granules to assign to processes. However, it does not follow from the fact that subqueries are generated based on join predicates and dimension table constraints that there is a minimum or maximum threshold number of work granules to assign to processes.

Based on the foregoing, claim 1 is patentable. Reconsideration and allowance of claim 1 is respectfully requested.

Remaining Claims Rejected Based on Prior Art.

The pending claims rejected on Prior art grounds not discussed so far are dependant claims that depend on an independent claim that is discussed above. Because each of the dependant claims include the limitations of claims upon which they depend, the dependant claims are patentable for at least those reasons the claims upon which the dependant claims depend are patentable. Removal of the rejections with respect to the dependant claims and allowance of the dependant claims is respectfully requested. In addition, these dependent claims introduce additional limitations that independently render them patentable. Due to the fundamental difference already identified, a separate discussion of those limitations is not included at this time.

For the reasons set forth above, Applicant respectfully submits that all pending claims are patentable over the art of record, including the art cited but not applied. Accordingly, allowance of all claims is hereby respectfully solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Respectfully submitted,

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